

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 4:17-CR-181-O(BJ)(1)
	§	
MICHELLE NICOLE DUNEGAN	§	

**ORDER DENYING REQUEST FOR TRANSCRIPTS AND
DENYING MOTION TO PROCEED IN FORMA PAUPERIS**

Defendant Michelle Nicole Dunegan has filed a motion/application to proceed in forma pauperis and certificate of inmate trust account, along with a completed Transcript Order form. ECF Nos. 351 and 352. As no hearings have yet been transcribed, it appears that Defendant Dunegan seeks the preparation of transcripts at government expense. Although 28 U.S.C. § 2250 authorizes the Court to provide copies of documents to an indigent movant, “[a] federal prisoner is not entitled to obtain copies of court records at Government expense for the purpose of searching the record for possible error.” *Walker v. United States*, 424 F.2d 278, 279 (5th Cir. 1970) (citations omitted). The United States Court of Appeals for the Fifth Circuit has upheld a district court’s denial of a request for copies of Court records where the defendant did not have a § 2255 motion on file. *United States v. Agbomire*, 239 F. App’x. 929, 930 (5th Cir. 2007). Defendant has not sought relief under 28 U.S.C. § 2255.

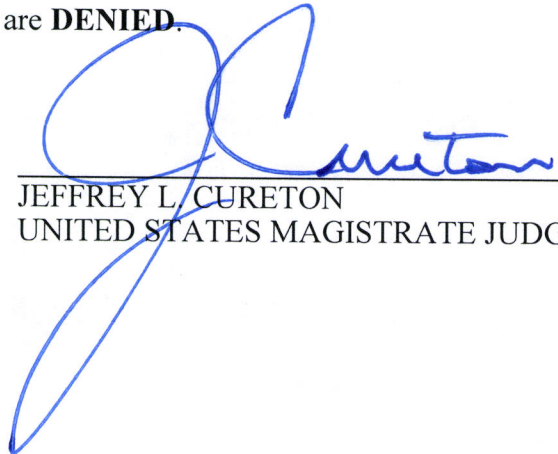
Further, under 28 U.S.C. § 753(f), a district court has the power to order a free transcript to an indigent defendant¹ proceeding under § 2255, “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented. . . .” 28 U.S.C. § 753(f). The Court concludes that Defendant has not satisfied this standard. Defendant is not entitled to the

¹As Defendant is not entitled to a transcript, her motion to proceed in forma pauperis will be denied.

requested copies of transcripts.²

It is therefore **ORDERED** that the request for transcripts (ECF No. 351), and the motion for leave to proceed in forma pauperis (ECF No. 352), are **DENIED**.

SIGNED May 8, 2018.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE

²See generally *Corrigan v. Thomas*, 55 F. App'x 754, 756 (6th Cir. 2003) ("Finally federal prisoners are not entitled to obtain a transcript . . . at government expense under [§ 753(f)] for the purpose of preparing a motion to vacate where there was no motion to vacate sentence pending") (citation omitted).